

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FRED LEE McHAFFIE, JR.,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:08-CV-246
)	(VARLAN/GUYTON)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge H. Bruce Guyton on June 5, 2009. [Doc. 18.] There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Guyton recommended that the defendant Commissioner's motion for summary judgment [Doc. 16] should be granted and that plaintiff's motion for judgment on the pleadings [Doc. 14] should be denied.

The Court has carefully reviewed this matter, including the underlying pleadings. [Docs. 14, 15, 16, 17.] The Court is in agreement with Magistrate Judge Guyton's recommendation, which the Court adopts and incorporates into its ruling. Plaintiff's motion for judgment on the pleadings [Doc. 14] is **DENIED**, and defendant's motion for summary

judgment [Doc. 16] is **GRANTED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 18]; defendant Commissioner's decision in this case denying plaintiff's application for disability insurance benefits is **AFFIRMED**; and this case is **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE